

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 5. This sheet, which includes Fig. 3-5, replaces original sheet including Fig. 3-5. In Figure 5, the two parts have been connected together and the figure has been turned 180 degrees to be consistent with the other drawings.

Attachments:

Replacement Sheet

Annotated Sheet Showing Changes

REMARKS

I. Status of Claims

Claims 9-28 are currently pending. Claim 9 is independent and claims 1-8 were previously canceled without prejudice to or disclaimer of the subject matter therein.

The drawings stand objected to under 37 C.F.R. 1.84(h)(1).

The specification is objected to because it does not contain headings.

Claims 9-14, 16-24 and 28 stand rejected under 35 USC 103(a) as being allegedly unpatentable over U.S. Patent No. 3,960,161 to Norman (hereinafter "Norman") in view of U.S. Patent No. 5,337,772 to Habchi (hereinafter "Habchi"). Claims 15 and 25-27 stands rejected under 36 USC 103(a) as being allegedly unpatentable over Norma in view of Habchi, and in further view of U.S. Patent No. 5,421,355 to Cantwell (hereinafter "Cantwell").

The Applicant respectfully requests reconsideration of the rejections in view of the following remarks.

II. Specification

The specification is amended to delete a reference numeral not found in the drawings and to add headings.

III. Drawings

In amended FIG. 5, the two parts have been connected together and the figure has been turned 180 degrees to be consistent with the other drawings. Accordingly, the Applicant respectfully submits that the drawing objections are obviated.

IV. Pending Claims

Claim 9 stands rejected under 36 USC 103(a) as being allegedly unpatentable over Norma in view of Habchi.

The Applicant respectfully submits that claim 9 is patentable over the cited reference at least because it recites "a flexible spacer means."

Although Norman describes a similar self-deployable tent, Norman fails to disclose several elements of the invention. Regarding claim 9, Norman does not disclose a flexible spacer means. The flexible spacer means of the present application allows the top portion of the inside chamber to be secured to the top loop and, in the deployed position, the roof sheet and the inside chamber are held apart from each other by the tension created by these spacer means. The Examiner attempts to equate “elements between the stitching 31e and 31e’” to the claimed flexible spacer means. There is no basis for this, as this “element” does not exist in Norman, having no description and no reference number. Figure 14 shows a stitches 31e and 31e’ and the thread used in the stitches cannot be construed to be a “flexible spacer means.”

Norman states, “the frame receiving pocket is formed externally to the structure and comprises a long strip of material 30e folded about the frame member 29e and secured by stitching 31e to both inner and outer panels and more particularly to the outer body panel 20e, outer panel 22e and the corresponding inner panels 20e’ and 22e’. The inner panels are secured to one another with stitching 31e’ and the ends thereof are, together with the edges of panels 20s and 31e secured within the folded strip 30e.” (col 5, lines 7-17). Therefore, what is described in Norman, referring particularly to Figure 14, is the existence of securing means or assembling means to secure or assemble the ends of the panels forming the inside chamber with or to the edges of the panels forming the roof sheet, and the sleeve element into which the top loop goes. Thus, Norman does not describe any spacer means, or any element that could function as a spacer to hold the roof sheet apart from the inner chamber in the deployed position, as claimed.

Norman also fails to describe a top loop and a bottom loop as claimed, instead having one a unitary hoop structure (29). The Examiner agrees that Norman does not disclose a base loop as claimed.

The combination of Norman and Habchi would not cure these deficiencies. Habchi does not disclose any flexible spacer means. Furthermore, there is no motivation for such a combination.

For at least these reasons, Applicant submits that independent claim 9, and dependent claim 10-14, 16-24 and 28 are not rendered obvious by Norman and Habchi and Applicants request withdrawal of this rejection.

Claims 15 and 25-27 are rejected under 36 USC 103(a) as being allegedly unpatentable over Norman in view of Habchi in further view of Cantwell. Norman and Habchi do not disclose

all of the limitations of claim 9. Cantwell fails to cure any deficiencies, as Cantwell does not disclose any flexible spacer means. For at least these reasons, Applicant submits that claims 9-14, 16-24 and 28 are not rendered obvious by Norman and Habchi and Applicants request withdrawal of this rejection.

V. Conclusion

It is respectfully submitted that the present application is now in condition for allowance, which action is respectfully requested. The Examiner is invited to contact Applicants' representative at 202.220.4420 to discuss any issue that would expedite allowance of the subject application.

Any fees for extension(s) of time or additional fees required in connection with the filing of this response, are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

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PATENT

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APPENDIX

FIGS. 3-5



Appl. No. 10/565,802
Reply to Office Action dated 1.04.07
Annotated Sheet Showing Changes

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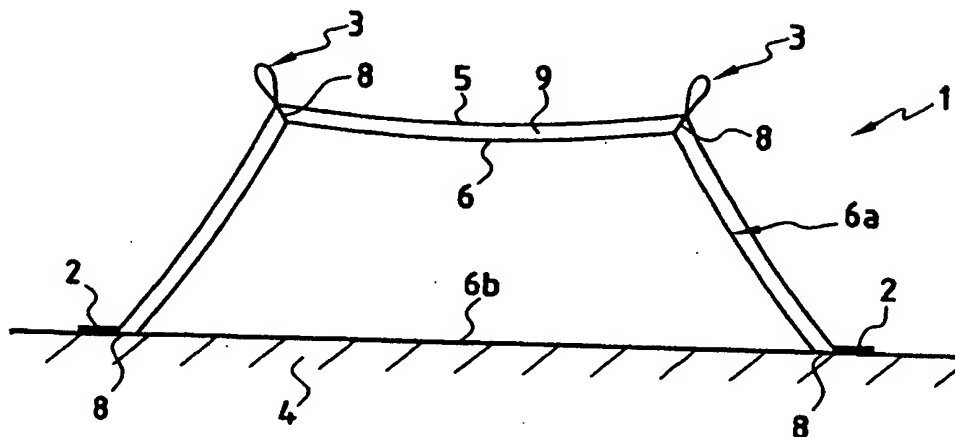


FIG. 3

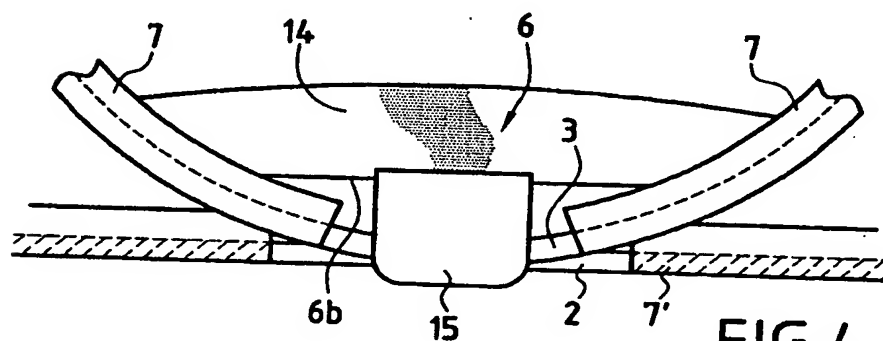


FIG. 4

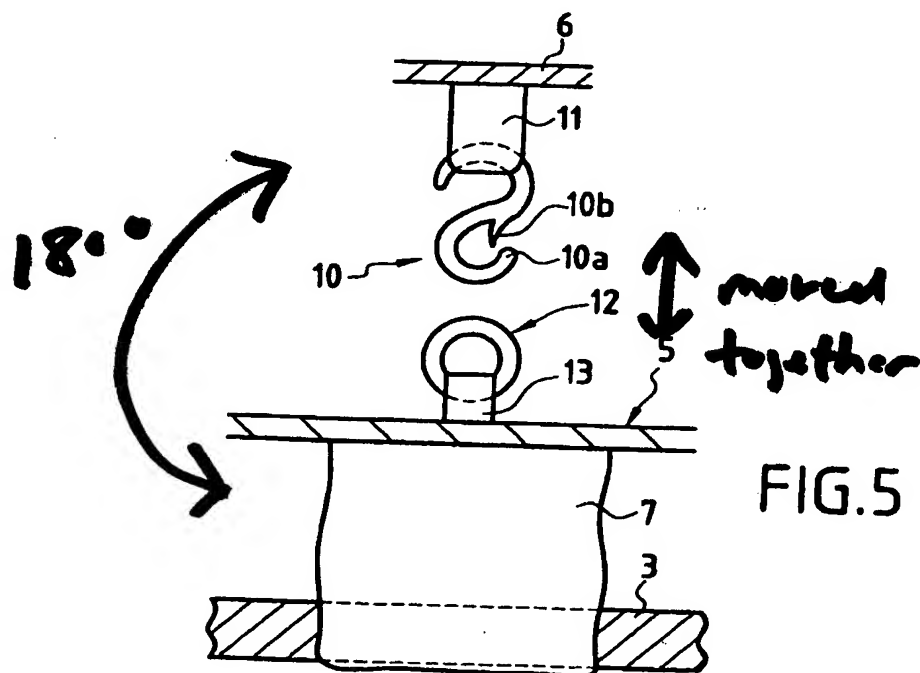


FIG. 5